

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RONALD MAY,

Plaintiff,

v.

JANE E. MURRAY, ET AL.,

Defendants.

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CIVIL ACTION NO. H-06-2373

ORDER ON DISMISSAL

Plaintiff Ronald May, a state inmate incarcerated in the Texas Department of Criminal Justice – Correctional Institutions Division at the time of filing, filed this complaint under 42 U.S.C. § 1983 alleging violations of his civil rights. On July 21, 2006, the Court denied plaintiff's application to proceed *in forma pauperis* and ordered him to pay the \$350.00 filing fee in full on or before August 17, 2006. Plaintiff was warned that his failure to timely pay the filing fee may result in the dismissal of his case without further notice. On October 27, 2006, the Court ordered plaintiff to pay the filing fee by November 6, 2006 or this lawsuit would be dismissed. To-date, plaintiff has failed to pay the fee.

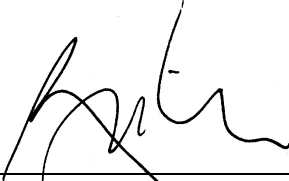
Plaintiff's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a district

court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order).

Accordingly, it is **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution. Any pending motions are **DENIED** as moot.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on November 27, 2006.



Gray H. Miller
United States District Judge